

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

IN RE TOYOTA RAV4 HYBRID FUEL
TANK LITIGATION

Case No. 20-cv-00337-EMC (LB)

DISCOVERY ORDER

Re: ECF No. 54

The plaintiffs bring this putative class action on behalf of purchasers and lessees of 2019 and 2020 Toyota RAV4 Hybrid vehicles.¹ They allege that defendant Toyota Motor Sales, U.S.A., Inc. represented that RAV4 has a fuel-tank capacity of 14.5 gallons and a mileage of 580 miles. The RAV4's tank shape, however, allegedly does not allow for a full refill.² The plaintiffs thus assert breach-of-warranty, consumer-protection, and unjust enrichment claims under various state laws.³

The parties dispute the timing and extent of "Phase 1 Discovery" as ordered by the trial judge.⁴ After the parties filed their discovery letter, the trial judge ordered that "[p]rior to resolution of the

¹ Consolidated Compl. – ECF No. 55 at 2 (¶¶ 1). Citations refer to material in the Electronic Case File ("ECF"); pinpoint citations are to the ECF-generated page numbers at the top of documents.

² *Id.* (¶ 3)

³ *Id.* at 3 (¶ 5), at 48–196 (¶¶ 94–1169).

⁴ Discovery Letter – ECF No. 54.

1 motion to dismiss, the Court shall allow discovery of high-level documents.”⁵ The court then
2 referred all future discovery matters, including the “determination of what high-level documents
3 should be produced at this stage,” to the undersigned.⁶

4 The parties’ current discovery letter largely disputes whether the Phase 1 Discovery should
5 take place at all. The trial court has ordered the commencement of high-level document discovery.
6 The letter does not sufficiently address the parties’ narrower dispute about the scope of the
7 document requests (such as, any specific objections to the requests) or timing for production.

8 The court thus terminates the pending discovery letter and directs the parties to meet and
9 confer in light of the trial court’s order allowing for some high-level document production. To the
10 extent that the parties are unable to reach an agreement, they may file a discovery letter that
11 complies with the undersigned’s standing order (attached). The letter brief must be filed under the
12 Civil Events category of “Motions and Related Filings > Motions – General > Discovery Letter
13 Brief.” After reviewing the joint letter brief, the court will evaluate whether future proceedings are
14 necessary, including any further briefing or argument.

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16 **IT IS SO ORDERED.**

17 Dated: September 22, 2020



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19 LAUREL BEELER
United States Magistrate Judge

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⁵ Clerk’s Notice – ECF No. 56.

28 ⁶ *Id.*